

NOTICE OF RULE ADOPTION—FINAL RULE

**STATE OF MISSISSIPPI
MISSISSIPPI DEPARTMENT OF MARINE RESOURCES
OFFICE OF MARINE FISHERIES**

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Specific Legal Authority authorizing the promulgation of Rule: Mississippi Code Ann. § 49-15-15, Administrative Procedures Act, § 25-43-1.101 *et seq.*

Reference to Rules repealed, amended or suspended by the Proposed Rule No rules have been repealed or suspended. Proposed change to Title 22 Part 17, Chapter 11 Section 100.07, On packages of fresh shucked oyster product of less than sixty-four (64) fluid ounces labeling would change from the "SELL BY" requirement of "fourteen (14)" days to "seventeen (17)" days.

Date Rule Proposed: November 18, 2008

Explanation of the Purpose of the Proposed Rule and the reason(s) for proposing the rule: TITLE 22 - MISSISSIPPI DEPARTMENT OF MARINE RESOURCES PART 17 REGULATION OF SHELLFISH LANDING, UNLOADING, TRANSPORTING, PROCESSING, BUYING, SELLING, OPENING, AND OTHER SHELLFISH RELATED ACTIVITIES IN THE STATE OF MISSISSIPPI. Proposed change to Title 22 Part 17, Chapter 11 Section 100.07, On packages of fresh shucked oyster product of less than sixty-four (64) fluid ounces labeling would change from the "SELL BY" requirement of "fourteen (14)" days to "seventeen (17)" days.

The Agency Rule Making Record for this rule including any written comments received during the comment period and the record of any oral proceeding is available for public inspection by contacting the Agency at the above address.

☐ An oral proceeding was held on this rule:

XX An oral proceeding was not held on this rule.

The Agency has considered the written comments and the presentations made in any oral proceedings, and

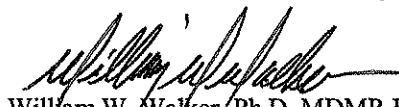
☐ This rule as adopted is without variance from the proposed rule.

☐ This rule as adopted differs from the proposed rule as there are minor editorial changes which affect the form rather than the substance of the rule.

XX The rule as adopted differs from the proposed rule. The differences however are: Within the scope of the matters in the Notice of Proposed Rule Adoption, the logical outgrowth of the contents of the Notice of Proposed Rule Adoption and the comments submitted in response thereto, and The Notice of Proposed Rule Adoption provided fair warning that the outcome of the proposed rule adoption could be the rule in question.

The entire text of the Proposed Rule including the text of any rule being amended or changed is attached.

Effective Date of Rule: January 1, 2009



William W. Walker, Ph.D. MDMR Executive Director
Signature and Title of Person Submitting Rule for Filing